REMARKS

After entry of this amendment, claims 1-39 remain pending. In the present Office Action, claims 20-24 were rejected under 35 U.S.C. § 112, second paragraph. Claims 20-23 were rejected under 35 U.S.C. § 101. Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chari et al., U.S. Patent No. 6,711,645 ("Chari"). Applicants respectfully traverse these rejections and request reconsideration.

Claims 1-26

Applicants respectfully submit that each of claims 1-26 recite combinations of features not taught or suggested in the cited art. For example, claim 1 recites a combination of features including: "the first node is configured to simulate a first component of the system under test...wherein, responsive to the hot pull command, the first node ceases participation in the simulation to simulate a removal of the first component from the system under test".

Chari has nothing to do with simulating a system under test, nor of simulating a removal a component of the system under test responsive to a hot pull command. Rather, Chari is concerned with the actual insertion and removal of devices in a computer system using a graphical user interface to guide a human user through the insertion or removal (see, e.g., Chari's title). In the abstract, Chari teaches "A computer software system is disclosed for facilitating a user's replacement or insertion of devices in a computer server network system. The system allows a user to swap or add peripheral devices while the system is running, or in a "hot" condition...Each step is prompted by the user from the GUI, to ... allow the user to replace or insert a new device, and finally restart the adapters and the slot power". Chari also teaches "the Hot Plug PCI Wizard implementation of the present invention is able to use Custom GUI Modules 56 for each screen display that the user sees when performing a hot swap or hot add process. These custom screen displays are easily implemented, and are linked to the server modules 46, canister, slot, and adapter modules 60, which are in one-to-one correspondence with the *actual server hardware*, and which modules (1) provide the user with status information regarding that hardware, and (2) allow the user to easily implement high-level software commands over

the network to <u>control the server hardware during the hot swap and hot add processes"</u> (Chari, col. 8, line 66-col. 9, line 10). Chari further teaches "the next step in the hot swap process is to prompt the user to replace the peripheral card in the selected slot. <u>This allows the user to physically go to the server, find the appropriate slot, and swap out and replace the peripheral card</u>" (Chari, col. 12, lines 13-16). Thus, it is clear that Chari teaches that actual hot swap of a physical device in a computer system.

The Office Action asserts that "Practitioner in the art at the time the invention was made would have found Chari disclosure, particularly pulling down the power for hot plug/hot pull process testing for device pulling, adding or swapping obviously implies the claimed feature of ceasing the participation of the simulation process because the power down in the simulation results in ceasing the simulation process" (Office Action, page 4, fifth paragraph). Applicants respectfully disagree. As highlighted above, Chari has nothing to do with simulating a system under test or simulating the removal of a component from the system under test. Furthermore, the above assertions from the Office Action regarding the powering down of a device further illustrate that Chari is performing an actual hot swap of the device (which must be powered down before being physically removed from the system).

For at least all of the above stated reasons, Applicants submit that claim 1 is patentable over the cited art. Claims 2-10, being dependent from claim 1, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 2-10 recites additional combinations of features not taught or suggested in the cited art.

Claim 11 the first node configured ... <u>to simulate a first component of a system under test in the simulation</u> ... and ceasing participation of the first node in the simulation responsive to the hot pull command <u>to simulate a removal of the first component from the system under test</u>". The same teachings of Chari highlighted above with regard to claim 1 are alleged to teach the above features of claim 11. Applicants respectfully submit that Chari does not teach or suggest the above highlighted features either. Accordingly, Applicants submit that claim 11 is patentable over the cited art. Claims 12-19, being

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dependent from claim 11, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 12-19 recites additional combinations of features not taught or suggested in the cited art.

Claim 20 recites a combination of features including "first instructions which, when executed, cease participation in a simulation by a first node in a distributed simulation system responsive to receiving a hot pull command, the first node simulating a first component of a system under test, and the first node ceasing participation in the simulation simulates removal of the first component from the system under test". The same teachings of Chari highlighted above with regard to claim 1 are alleged to teach the above features of claim 20. Applicants respectfully submit that Chari does not teach or suggest the above highlighted features either. Accordingly, Applicants submit that claim 20 is patentable over the cited art. Claims 21-26, being dependent from claim 20, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 21-26 recites additional combinations of features not taught or suggested in the cited art.

Claims 27-39

Claims 27-39 were rejected using the same teachings of Chari highlighted above with regard to claims 1-26. Specifically, the Office Action alleges that claims 27-39 perform the steps in claims 1-20. Applicants respectfully submit that at least the independent claims 27 and 35 recite different combinations of features that the independent claims 1, 11, and 20. For example, claim 27 recites a combination of features including: "a second node configured to transmit a hot plug command designating the first node; wherein the first node does not participate in the simulation prior to the hot plug command, and wherein the first node begins participation in the simulation responsive to the hot plug command to simulate insertion of the first component in the system under test". Furthermore, Applicants respectfully submit that Chari's teachings of software that guides a user through a physical hot swap/hot add process in a computer does not teach or suggest the above highlighted features of claim 27.

For at least all of the above stated reasons, Applicants submit that claim 27 is patentable over the cited art. Claims 28-33, being dependent from claim 27, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 28-33 recites additional combinations of features not taught or suggested in the cited art.

Claim 34 recites a combination of features including: "receiving a hot plug command designating a first node... and the first node beginning participation in the simulation responsive to the hot plug command to simulate insertion of the first component into the system under test". The same teachings of Chari highlighted above with regard to claim 27 are alleged to teach the above features of claim 34. Applicants respectfully submit that Chari does not teach or suggest the above highlighted features either. Accordingly, Applicants submit that claim 34 is patentable over the cited art. Claims 35-39, being dependent from claim 34, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 35-39 recites additional combinations of features not taught or suggested in the cited art.

Section 101 Rejection

The Office Action asserts that claims 20-23 are non-statutory because the claims "are directed to a carrier media with instructions. It represents program in writeable media. The claim is thus non-statutory subject matter." Applicants respectfully disagree. A program in a writeable media (e.g. a disk) is clearly statutory. However, claims 20-23 have been amended to recite computer readable media, and the amended claims are also clearly statutory.

Section 112 Rejection

With regard to claims 20-21, the Office Action asserts that the claims do not show what executes the instructions (which node, the first node, the second node, or another node). Applicants respectfully traverse, and respectfully assert that it does not matter where the instructions are executed (and in various embodiments, the instructions may be executed on different nodes, for example) and that not stating where the instructions are

executed does not render the claim unclear. Computer medium claims in general do not recite where the instructions are executed, and no lack of clarity results from such recitations.

With regard to claim 20, the Office Action asserts that "a first node in a simulation in a distributed simulation" is unclear. Applicants respectfully disagree, but have nonetheless reworded the phrase to recite "cease participation in a simulation by a first node in a distributed simulation system". Applicants respectfully submit that the above phrasing of claim 20 is clear and meets the requirements of 35 U.S.C. § 112.

With regard to claim 23, the Office Action asserts that "when executed, terminate execution in the first node" is unclear. Applicants respectfully disagree, but have nonetheless reworded the above phrase as "when executed, cause simulation to terminate in the first node". Applicants respectfully submit that the above phrasing of claim 23 is clear and meets the requirements of 35 U.S.C. § 112.

With regard to claim 24, the Office Action asserts that the structural relationship between the carrier media, the distributed simulation system, and the hub is omitted and is a gap between the elements. Applicants respectfully disagree, but have nonetheless amended claim 24 to recite: "the distributed simulation system further comprises a hub coupled to the first node, and wherein the first instructions, when executed in the hub, cease participation by ceasing forwarding communications from the first node in the hub responsive to the hot pull command". Applicants respectfully submit that all pertinent relationships are clear in claim 24.

Information Disclosure Statement (IDS)

Applicants filed an additional IDS on July 21, 2005 (subsequent to the mailing of the present Office Action). Applicants respectfully request consideration of the IDS and a return of the PTO-1449 included therewith, initialed and signed by the Examiner to evidence such consideration.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-96500/LJM.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Request for Approval of Drawing Changes

☒ Notice of Change of Address

☐ Fee Authorization Form authorizing a deposit account debit in the amount of $ for fees ( ).

☐ Other:

Respectfully submitted,

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